

Conservation and Management Measures for Atlantic Highly Migratory Species

The following table compares the preferred alternatives in the draft FMP with the final management measures taken by NMFS in the final FMP.

Preferred Alternative in Draft FMP	Final Action in Final FMP
<i>Tunas</i>	
Prohibit pelagic driftnets for tuna	Same, but allow the few vessels using coastal driftnets to target dogfish, bluefish, monkfish, and weakfish to obtain experimental fishing permits for tuna catch. This will allow collection of data; NMFS will re-examine later
ICCAT Rebuilding Program: 2,500 mt ww west Atlantic TAC, 1,387 mt ww landing quota for United States - 20 year recovery	Same
Status quo percentage allocations, with Purse Seine category capped at 250 mt ww	Remain as proposed unless changed. Consult with the HMS AP.
Add "Consider effects on rebuilding and overfishing" as quota transfer criteria	Same
Status quo on bluefin tuna size limits	Same
Status quo: Bluefin Tuna Angling Category for recreational retention limits	Same
Time/area closure in north mid-Atlantic for pelagic longlines in June - 4x4 degree block: 37 to 41° N, 70 to 74° W	Smaller time/area closure with a different shape in north mid-Atlantic for pelagic longlines in June - 1x6 degree block: 39 to 40° N, 68 to 74° W
10-Year Recovery Program for bigeye tuna (if adopted by ICCAT)	Establish the foundation to develop an international 10-year rebuilding program for Atlantic bigeye tuna;
Status quo minimum size for bigeye tuna	Same
Spotter planes allowed	Same, follow up in a separate rulemaking
Establish a "School Reserve" Category	Same
Status quo minimum size for yellowfin tuna	Same
Establish a recreational retention limit of 3 yellowfin tuna/person/day	Same
Fishing year begins June 1 and ends May 31 for tuna	Same
<i>Swordfish</i>	
10-year recovery period (8,000 mt ww)	Establish the foundation to develop an international 10-year rebuilding program for north Atlantic swordfish
Account for dead discards in swordfish management (Recreational and commercial fisheries)	Establish a foundation to account for dead discards in swordfish management; adopt if recommended by ICCAT.

Preferred Alternative in Draft FMP	Final Action in Final FMP
Count recreational landings toward Incidental quota	Same
Prohibit imports of Atlantic swordfish weighing less than the U.S. minimum size, (proposed under separate rulemaking, contained in proposed rule that accompanied draft FMP)	Same
Neither preferred nor rejected as an alternative in draft	Status Quo retention limits for the directed commercial fishery
Neither preferred nor rejected as an alternative in draft	Status Quo bycatch limits in incidental fisheries
Neither preferred nor rejected as an alternative in draft	Status Quo retention limits in the recreational fishery
Status quo minimum size	Same
Time/area closure of Florida Straits to longline fishing from July through September	Prepare a proposed rule that would implement a more effective closure area to protect small swordfish
Status Quo authorized gears (driftnet prohibition proposed under separate rulemaking, contained in proposed rule that accompanied draft FMP)	Same, but now includes prohibition of pelagic driftnet gear from separate rulemaking
Fishing year begins June 1 and ends May 31 for swordfish	Same
<i>Sharks</i>	
Prohibit possession of uncommon and seriously depleted LCS in addition to the 5 currently prohibited species; allow retention (consistent with established quotas and recreational retention limits) of certain commonly landed LCS (sandbar, silky, tiger, blacktip, spinner, lemon, bull, nurse, smooth hammerhead, scalloped hammerhead, great hammerhead), pelagic sharks (shortfin mako, common thresher, porbeagle, oceanic whitetip, blue) and SCS (Atlantic sharpnose, blacknose, finetooth, bonnethead) within federal waters. Redefine management unit categories accordingly	<p>Same with a few exceptions; blue sharks are not prohibited. Also, oceanic whitetips have a ridge but are not a LCS. Therefore, landings of oceanic whitetip must include fins for proper identification and enforcement.</p> <p>Prohibited sharks 19 species</p>
Separate LCS management unit into ridgeback and non-ridgeback LCS with each subgroup having separate quotas; establish a minimum size and maintain quota level of 642 mt dw on ridgeback LCS; reduce the quota on non-ridgeback LCS to 218 mt dw	<p>Same, but lower quotas to take into account the public display quota. Ridgeback quota = 622 mt dw. Non-ridgeback quota = 196 mt dw.</p> <p>Ridgeback large coastal sharks 3 species Non-ridgeback large coastal sharks 8 species</p>
Establish a species-specific quota for porbeagle sharks of 30 mt dw; reduce pelagic shark quota by 30 mt dw to 550 mt dw	<p>Same, but revised data so the species-specific quota for porbeagle sharks is 92 mt dw; the pelagic shark quota is reduced by 92 mt dw to 488 mt dw</p> <p>Pelagic sharks 5 species</p>
Establish a separate dead discard quota for blue sharks of 273 mt dw (545 mt ww); reduce pelagic shark quota by overharvests in blue shark quota	Establish a separate blue shark quota of 273 mt dw for landings and dead discards; the pelagic shark quota will still be reduced by overharvests in the blue shark quota.

Preferred Alternative in Draft FMP	Final Action in Final FMP
Cap commercial SCS quota at 10% higher than 1997 levels (359 mt dw) pending future assessment	Same Small coastal sharks 4 species
Season-specific quotas and adjustments for the commercial fisheries; annual recreational retention limits and adjustments for recreational fisheries	Same
Account for all sources of fishing mortality in establishing quota levels, including counting dead discards and landings in state waters after federal closures against the federal quotas	Same
Establish separate public display quota of 60 mt ww (5% of LCS commercial quota); establish separate public display permitting and reporting system	Same
Status quo commercial retention limit (4,000 lbs dw per trip for LCS)	Same
Schedule fishery openings for specified periods; season-specific adjustments for quota overharvests and underharvests the following year (no reopening within that season)	Same
Establish catch and release only recreational fishing for LCS and SCS and establish a recreational retention limit of 1 pelagic shark/vessel/trip	Establish a recreational retention limit to 1 shark/vessel/trip with a minimum size of 4.5 feet (any species) and establish an allowance for 1 Atlantic sharpnose shark/person/trip (no minimum size)
Require that all sharks harvested by recreational anglers have heads, tails, and fins attached	Same
Status quo (no time/area closures for shark nursery and pupping areas)	Same
Adopt the Large Whale Take Reduction Plan Regulations under the authority of the Magnuson-Stevens Act	Same
Not preferred in draft	Require 100% observer coverage in the shark drift gillnet fishery at all times; prohibit the use of gillnet gear in Atlantic shark fisheries unless a NMFS-approved observer is on board
Extend prohibition on finning to all sharks as condition of federal permit	Create new management group of “no finning allowed” species: deepwater and other (formerly data collection only) Deepwater/other sharks 33 species
Dissolve OT as superceded by HMS AP	Same
Fishing year begins January 1 and ends December 31 for sharks.	Same
<i>All species</i>	
Require VMS for all pelagic longline vessels	Same

Preferred Alternative in Draft FMP	Final Action in Final FMP
Require all gear to be marked with vessel identification number	Same; but may mark gear with vessel name
Move after one entanglement with protected species	Same
Limit length of mainline in MAB (interim measure)	Same
Close critical right whale habitat to LL and driftnet vessels	Not selected; would require preemption of states to implement under the Magnuson-Stevens Act
Mandatory education workshops for LL and driftnet vessels; Voluntary workshops for recreational fishermen	Voluntary education workshops for all HMS fishermen. Re-examine need for mandatory workshops for pelagic longline fishermen later.
Require observers on charterboats	Voluntary observer coverage of HMS charter/headboats. If enough data are not collected, establish a mandatory observer program.
Require charter/headboat vessels to obtain an annual vessel permit	Same; however, NMFS clarifies that this final action requires all tuna vessels, charter/headboat vessels, and commercial shark and swordfish vessels to obtain an annual vessel permit (previous authority for tuna, shark and swordfish vessels)
Require Charter/headboat vessels to submit logbooks	Same; however NMFS clarifies that this final action requires commercial shark and swordfish, and charter/headboat vessel to submit logbooks, if selected (previous authority for shark and swordfish vessels).
Require tournament registration for all tournaments that land HMS	Same
Complete logbooks within 24 hours of hauling a set	Complete logbooks within 48 hours of each day's fishing activities but prior to offloading.
Mandatory observer coverage for purse seine and harpoon vessels, if selected	Same, except NMFS clarifies that this authority already exists for a broader group (i.e., mandatory observer coverage for all tuna vessels, and commercial shark and swordfish vessels, if selected.)
<i>Limited Access</i>	
Limit access	Same
Require a shark or swordfish permit during July 1, 1994, through December 31, 1997	Same
Require landings between January 1, 1987, to December 31, 1997 (swordfish); January 1, 1991, to December 31, 1997 (shark)	Same
Require a permit between June 1, 1998, to August 31, 1998 (swordfish); July 1, 1998, to August 4, 1998 (shark)	Require a permit between June 1, 1998, to November 30, 1998 (swordfish); January 1, 1998, to December 31, 1998 (shark)

Preferred Alternative in Draft FMP	Final Action in Final FMP
Require landings of at least 25 swordfish or 102 sharks per year in any two calendar years during the landing eligibility period	Same or provide documentation of \$5,000 worth of swordfish or shark landed per year
To qualify for an Atlantic swordfish directed or incidental permit, must obtain at least an Atlantic shark incidental permit	Same
Require landings of at least 11 swordfish and establish an minimum earned income requirement of more than 50% of their earned income from commercial fishing through the harvest and first sale of fish or from charter/headboat fishing, or those who had gross sales of fish greater than \$20,000 harvested from their vessel, during any one of the last three calendar years; require landings of at least seven sharks	Same
No shark landings required if qualified for an initial directed or incidental swordfish limited access permit	Same
Issue a handgear permit to those fishermen who provide documentation of having been issued a swordfish permit for use with harpoon gear or those who landed swordfish with handgear as evidenced by logbook records, verifiable sales slips or receipts from registered dealers, or state landings records	Same
Issue directed fishery handgear permits to those applicants who meet the earned income requirement, i.e., those who had derived more than 50% of their earned income from commercial fishing through the harvest and first sale of fish or from charter/headboat fishing, or those who had gross sales of fish greater than \$20,000 harvested from their vessel, during one of the three calendar years preceding the application	Same
If qualify for an initial directed or incidental swordfish limited access permit, an Atlantic tuna longline permit will be issued by NMFS	Same
If not eligible for an initial swordfish or shark directed or incidental limited access permit but had a valid Atlantic tuna incidental permit as of August 31, 1998, then NMFS will issue initial incidental swordfish and shark limited access permits; no fishing for Atlantic tuna with longlines would be allowed without these incidental limited access permits.	Same, but through December 31, 1998
Written appeals only, no hardship cases heard	Same
Allow 15 swordfish per vessel per trip for directed swordfish permit holders until the incidental set-aside is filled	Same

Preferred Alternative in Draft FMP	Final Action in Final FMP
For swordfish incidental limited access permits, allow five swordfish per trip for squid trawl vessels or two swordfish per trip for all other gear types. For shark incidental limited access permit holders, allow five large coastal shark per vessel per trip for all gear types, and a total of 16 pelagic or small coastal sharks, all species combined, per vessel per trip for all gear types	Same
Limited access permits are transferable with or without the sale of the permitted vessel, or to a replacement vessel owned or purchased by the original permittee (subject to upgrading restrictions - see following section), but not under any other circumstances.	Same
Adopt NEFMC and MAFMC upgrading restrictions	Same, but collect data and consider other methods, including hold capacity, for future
Restrict the number of Atlantic swordfish or shark permitted vessels that any one person or entity could own or control to no more than 5% of the directed swordfish or shark permitted vessels in the directed fisheries	Same